P 7-178-92

G. R. S. IX-5]

Previous references. 1892-93

192 .

(L.R)

Later references.

File No. 184-92

Serial Nos. 1-7

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1-7

~~Part~~ B for December 1893.

SUBJECT.

Petition of Thammaiah of Naravangala Village, Tumkur Taluk, regarding the Patelship of Amanikere.

To,

The Deputy Commissioner, Tumkur District.

No. 9[redacted]2. dt. 17/26/12/93 L.R 184-92[redacted]7

P.7.178-92.

Dismissing the appeal of Thammaiah of Naravangala village for the Patel of Amanikere.

WD 2283—GPS—20,000—14-6-20

L Precis

GOVERNMENT OF MYSORE

Appeal Suit No: 30 of
1892-93

Appellant: Thammiah
residing at
Naravangala
Tumkur Taluk

Genealogical tree
is annexed.

Respondents (1) Lakshmi-
narrappa
(2) Krishnappa
(3) Narasimya
of the same village.

The appellant claims
possession of the Patele
of Naravangala annam
were now held by the
1st Respondent.

The facts of the case are
as follows: —

29. 6. 79

The appellant and
his brother Venkatarama
Suit petitioned the
Dy. Commr, Tumkur Di-
Stating that their father
Yerrappa was the Registered
of the Patels and Shanbogue

of Bodda Karavangala and
amanichere from Para
-bhava D Rukkashi
When the Office was
registered in the name
of Karigiriah Cousin of
the former (Giriyappa)
for reasons unknown
D Petitioners, that after
Karigiriah his son
Narasimiah succeed
him: This Narasimiah
left the appointment
vacant by getting an
appointment in a bank;
the vacancy was then
given D Narasimiah's
uncle Atchsamiah
on whose death D his
adopted son the 1st Res-
pondent succeed: That
they were minors when (appellt & his brothers)
the appointment passed
over D other hands without
their knowledge and
their petitions Claiming
the appointment subsequently
received no consideration
and prayed that they
might be given the Patell
of one of the villages above.

The

2/ 10.9.79 The amildar who was called upon to report on
4 10.79 the matter stated that in 1876 the Jamabandy Officer found the Patel of Narasingala and Amanikere vacant the incumbent Narasimiah being employed in a bank, and appointed Atchsamiah to the place & that when he died the place was vacant for one year, and that during the Pakka Police of 1879 the attache Mr Venkata Row appointed the 1st Respondent after due investigation.

5. 11. 79 The Deputy Commissioner examined the Shanbogue Ramanna, the appellant and his brother Venkatanarasiah and the 1st Respondent who all deposed to the fact that the appellant and his brother were

1/3 brothers.

10. 11. 80 The Dy. Commissioner
Sir

Sir (then Mr) Sherbourne
Dyer observed that instead
of giving the Patels of the
two villages done man
it would be better if the
Patels of one of the villages
was given the Appellants
and his brother who were
likewise hukedars and
called for a report in
the matter after investi-
gation of the parties con
cerned.

The Respondents prayed 11.11.80.
that one of the two Patels'
offices Mogadadeen might
be conferred on one
Subbiah a cousin of
the 1st Respondent; and
the Dy. Commr.
directed the amildar
that the orders already
issued in the matter should
be carried out.

The Appellant claimed 22.7.81
the salary of the appoint-
ment was ordered by the
the Dy. Commr. to be
given Thim; but the
Amildar disbursed it
to the 1st Respondent who
was doing duty, and

reported

3/

1.8.87 reported that the 1st Respondent refused to allow the Appellant and his brother one of the two Patelies but would pray for the nomination of his Cousin Subbiah.

20.9.81 The Appellant and his brother Venkata. naraiah petitioned the Dy. Comm. praying for a mirasdar in the Patelli and Shanbogue Offices in accordance with the facts that had elicited during the Enquiry: and the

11.10.81 Dy. Comm. Mr Soobrow directed the Amildar to carry out the orders already issued in the matter.

There was some correspondence between the Amildar and the Dy. Comm. regarding the Potiji Registers which were not forthcoming and Mr. Soobba Rau ordered

28.12.82 that all the parties should be produced with all the records in the case before the Dy. Comm. after

the

the Jamabandy was over

Accordingly the parties and the records were produced before the Dy. Comms. (On) 2.2.83 and Mr. B. G. Krishniengar after perusing the records submitted a memo. Dtd 10.5.83. Dy. Comms proposing the following distribution of Offices :-

1. ~~the~~ One Ramanna who was now holding the Shanbogue of Amanikere to continue as such viewing a Potige of Rs 86-12-0 per annum.
2. Venkatanarasiah the elder brother of the appellant Dbe Shanbogue of Naravangal village on Rs. 68-0-0 per annum.
3. ~~The~~ Respondent Lakshmi-narayappa Patel of Amanikere to continue as such on Rs 61-12-0 per a.
4. The 3rd Respondent Ramanayah Dbe Patel of Naravangal on Rs 33-8 per annum

These proposals not being carried

GOVERNMENT OF MYSORE

4/

17.5.83

* against
1. Krishnappa Shanbog
of Naravangar.
2. Narasimiah
Shanbogue of
Amanikere
(3) Lakshminarayappa
Patel (1st Respt)
(4) Patel Narasimiah

* carried out the
appellant and his
brother Venkatanara-
siah brought a
regular suit* before
the Dy. Commr: Mr.
Mahomed ali claim-
ing 1/3 hissa in the
Shanbogue of Nara-
vangala village
Amanikere, and Kaspa
village and Patelli
of Naravangala
and amanikere.

During the inquiry
both all the defendants
admitted the right of
the appellant and the
his brother to one-third
hissa in the offices,
but Krishnappa claimed
the Jodi land in the
possession of the appellant
and his brother, and the
consented to part with it.

27.3.84.

Mr Mahomed ali
decided and decreed
that the appellant
his brother should
get

Set one third hissa
in the Shanbogue
and Patili of
Dod Naravangala
and amanikere
and also 1/6 hissa in
the Shanbogue of
Kaggire village but
that the appellant
shall give over the
Kodagi land referred
to Shanbogue
Krishnappa.

The appellant and his 3.7.84
brother applied for the
execution of the decree
and the Hon Dy. Commr.
Mr. Krishnamurti
having made a reference
to the Govt. received
orders to the effect
that the division of
Potige was against
the rules which should
be disturbed only to
the inconvenience doing
duty, the other members
of the family having
no right thereto, and

that

S. 37 of the Potige
Rule.

5/

19.7.85

12.11.85.

that Mr. Mahomed allu
discussion as far as
it regarded the
division of Potigi
was set aside.

The appellant and
his brother complained
the Dy. Commr: of
the above conclusion
of the case: and he
called for a detailed
report of the case with
entire records.

On a perusal of the
records the Dy. Comm
Mr. Krishnamurthi
passed order to the
following effect:—

That the alleged offence
attributed to the appellants
father as the cause of
the transfer of the
appointment was
not proved by any
of the records that
Narasimiah who was
looking after the
Patell of Narayanpla
after having lost his
appointment even
was holding it on
no other authority
than

Narasimiah that the order appointing him; that the Dewan while Dy. Commr. of the District had also expressed his opinion that the Appellants should be given one of the two Patelli Offices: & that under the circumstances the said Narasimiah should be removed and the appellants brother Venkata Narasiah be given the Patelli of Nara ingala village

The appellants brother Venkatanarasiah was accordingly put in possession of the said office 30-11-86.

Not fully satisfied with the above orders the appellant and his brother petitioned the Govt. and received an 30-3-87

endorsement 6-6-87

GOVERNMENT OF MYSORE

6/

5 · 3 · 91

endorsement referring them to a regular suit which they brought before the Deputy Commissioner in which they prayed for the full kuk possessed by their father or for the bestowal of the Patelki of Amanikere also: The Dy. Commr: Mr. B. K. Venkata Varadiengar referred it to the amildar for enquiry and report: During the enquiry the appellants' elder brother Venkatanarasiah stated that he & the appellants had kuk for the Patelki of Amanikere and ⅓ huccu in the Shanbhog Vogue of the Narasingala village, Amanikere and Kaggere and claimed the same: the 1st defendant Lukshminarasappa (1st Respt. before Govt) stated that he & the two Plaintiffs (Appellants brothers), himself, and 2nd & 3rd Defts. together had a right to ⅓ huccu in the two Patelki & Shanbhog Vogue offices, but refused to

5 · 3 · 91

* Against
(1) Lukshminarasappa Patel of Amanikere
(2) Krishnappa Shanbhog of Narasingala village
(3) Narasimiah Shanbhog of Amanikere

D. gave the appellants Rs 10...!
Venkatanarasiah
a share in the Potel
Krishnappa & Narasimiah
2d & 3rd Defendants stated
that they had been appointed
Shanbogues by Govt &
that there was no reason
for their being made a
party to the suit nor for
being examined
The amildar in his .8. 6. 91
report observed that the
suit in question was not
for the Shanbogui Office
that the 1st Deft. (1st Respt)
also refused to part with
the Patelic of Amanikere
he having inherited it
from his father: that
the Plaintiffs (appellants
V. Narasiah) stated that
the office passed off from
their father on account
of his old age and not on
account of any offence
committed: & in conclusion
the amildar expressed his
opinion that the Patelic
of Amanikere should
be restored to the Plaintiffs (ie
Appellants).
The Dy. Comm. referred 10. 6. 91
the whole proceedings to
the

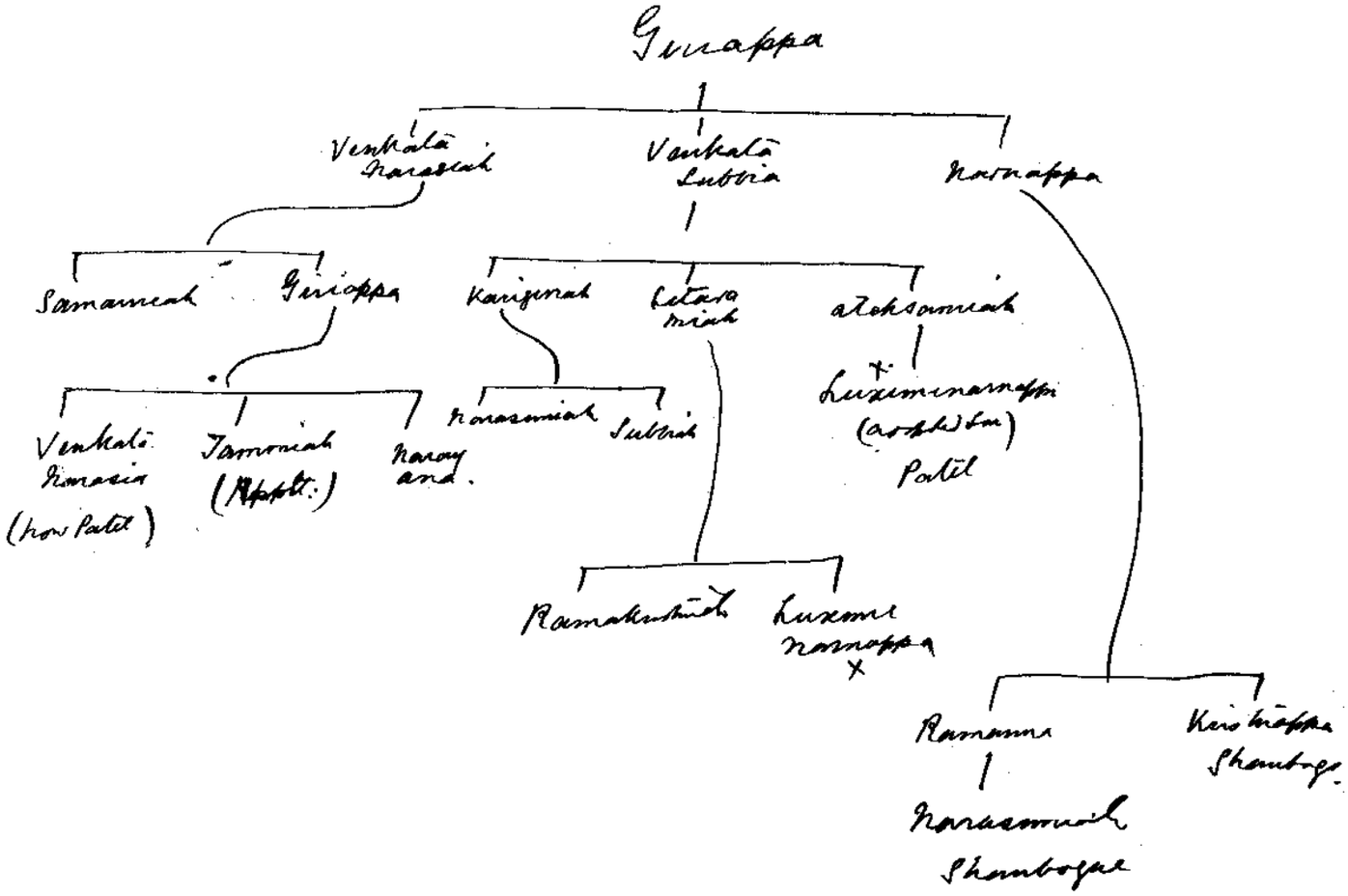
7/

49

The general assistant
Commissioner for dis-
-posal. The judgments
of mr A. Raghavendra
Rao the asstt Commr &
of the Dy. Commr-in
appeal are both in English

SNR
30/9/93

P.T.O



Genealogical tree of the Parties

(7)

M. Ru 30 of 1892

Appt

1 Jammia
of Naramangala
Kempeer Taluq
Represented by Mr D
Venkatarama Iyengar
Advocate

Respts

1 Lakshmanaraya
2 Narasappa
3 Narasimhia
Represented by Mr H.T.
Narasimhaiyengar advocate

Appt & Respts are grandsons of 3 brothers. Respt

The Appt, the grandson of one brother, the 1st grandson of another, & the 2d & 3d Respts grandsons of the 3d, each entitled to 1/3d shares in the office of Patails of Naramangala & Amanekere. The father of the Appt was the Patail from 1848 to 1864 when he was removed on account of his old age, & the uncle of the Respts appointed in the post, whom 1st Respt succeeded in 1876-77. In 1885, the Dt Court appointed Appt as Patail of Naramangala, leaving 1st Respt in charge of Amanekere. The parties have also the archaic rights in them & another village & the remuneration enjoyed by each family for Pattl as shown below.

Appt	18-8-4
1st Respt	41-4-0
2d & 3d Respts	87-4-0
Value	147-0-0

Appt brought a suit in 1891 for a larger

Shearman Hay engaged ~~was employed~~, & the asst Comr who heard the case decided ~~to decide~~ that the Office of Amanakar be registered jointly in the names of appts & 1st Respt & each allowed to do duties by ~~rota~~ turns, or to share the emoluments. The Dy Comr on appeal by the 1st Respt cancelled that portion of the decree which directed the holding of the office by the turns or the ~~diff~~ division of the emoluments, but confirmed the appts to such to 1/2 share.—

Both the lower Courts held that the suit was not barred by the Law of Limitation as the appts & his brothers were in enjoyment of a portion of the total emoluments, & they have always been claiming more.—

The appeal is against the ~~decree~~ decision. The 1st Respt now claims the office of Amanakaie ~~& the~~

~~As the Respt~~ Counsel for the appts advocate ~~the~~ ~~to show~~ that the suit was barred, inasmuch as ~~on the ground that the Respt acquired the~~ the Office has enjoyed so that he was to be compensated for the loss he has hitherto suffered by having received a smaller remuneration.— Courts do not think

15

that it comes in proper to
disturb the possession of the respts,
but appts request may be
considered on the occurrence of
a vacancy The appeal is dismd.

1/12 793

cost

It is impossible that the
appeal has been dismd,
Petitioners request that he
may be appointed Patrol
of Amanchaug may be
considered on the
occurrence of a vacancy

16

(2)

(General Serial No. 32.)

1892.

LR 172-92-1

(1) Stamp Correct
(2) Copy Produced
(3) Appeal in time
(4) Rule 1 cl(1)
call for Proc
with a report
BO
4/
6/9/92

No. 536.

Name of Petitioner. Thammayya

Village. Haravangala

Taluk. Tumkur

District. Do.

Date of Arzi. 13th August 9

Date of Receipt. 30th August 9

Date of Disposal.

No. of Enclosures. 2

ABSTRACT.

Petitioner appeals against the judgment of the Dy. C in Revenue Appeal No. 120 reversing the decree of the Treasury Asst Commr, which was upheld by the Commr, that the Petitioner's name should be entered in the Register as Patel of Amanikere with Lakshminaranappa.

S.V.

17 (1)

Box
Mark 30/8/92

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT.
REG'D. NO. 536R
DATE 30-8-92

M. D. Venkataramaiya
15/5/92

To

Two Rupees Stamp

The Government of Mysore
Bangalore

A.S.No 30 92-93
Revenue appeal No. of 1892

Appellant (2nd Pltff)
Thammaiya, residing
at Naravangala,
Bellavi Summat,
Tumkur Taluk.

vs

Respondents (Defts)
1. Lukshmi-Narayya
2. Krishnappa
3. Narsimhaya
residing at the
same place

The appellant above named respectfully begs to appeal against the judgment of the Deputy Commissioner of Tumkur in Revenue appeal case No. 12 of 1891-92 on the following grounds ——

1. That it is admitted by both the Courts that the Pltffs and the Defts are both Hukkdars to the Office in dispute.

2. That the Pltffs showed preferencial claims to the Office for performance of duty.

3. That the Court of 1st Instance decreed

decreed for the performance of duty by rotation.

4. That the Deputy Commissioner erred in reversing the decree of the Court of 1st Instance.

For these reasons the appellant prays that he may be permitted to perform the duties himself in his own right

Bangalore
13th Sept 1892

D. Venkatramiah
Adv. for appt

19 Pet 347

(3)

MYSORE DEWAN'S OFFICE

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM

LR 184-92-2

The accompanying Petition No. 536
dated 13th August 92 received at the
Dewan's Office from Thummayya
of Naravangala, Tumkur
appealing against the Dy: Comm
order reversing the Dy: Asst Comm
directing that Petn's name be registered
as Patel of Amanikere
is forwarded, together with its two
enclosures, to the Dy: Commr,
Tumkur Dt, for submission
of Progs together with a report
on the facts of the case and
on the points taken in the
petition

2. The petition should be returned

By Order,

Draft
10/9/92
for Chief-Secretary.

BANGALORE,
13—9—1892.

Encl: returned
13/9/92

20

(General Serial No. 30.)

OFFICE OF THE
3416
06 SEP 92
Pol 165

1892-93

LR 1824-92-3

From The Deputy Commissioner
Tumkur District

(4)

To The Chief Secretary to the
Government of Mysore

Dated 23rd
Despatched 23rd } September 92
Received

Enclosures No. 1 procumpto

General No.
No. 339

His Special Memorandum
No. 347 of the 10th Instant.

Submitting the proceedings connected with the case of Hanumayya of Narangala in the Tumkur Taluk and returning the appeal petition together with its enclosures.

Return Proc.s for transmission with the Report called for in this Office Memo No: 347 of 10th Inst:

BO
R
17/10/92

Pethia Naick
H/ 26/9

To the same No. 5480 dt/17/10/92
P.T. 178

10/10/92

21 Deputy Commissioners Office
Tumkur District.
Dated Tumkur 22/23 September 1892.

No 339
Encls V. papers.

(4)

To,

The Chief Secretary to the
Government of Mysore.

Sir,

I have the honor to submit herewith the Proceedings connected with the case of Shamayya of Naravangala in the Tumkur Taluk as called for in your official Memorandum No. 347 of the 10th Instant.

2. The appeal petition together with its enclosures is herewith returned.

I have the honor to be,
Sir,
Your most Obedient Servant

Offg: Deputy Commissioner.

PRS.

22

(General Serial No. 30.)

189 .

5

From

The Chief Secretary
to the Dewan of Mysore.

LR 184-92-4

To

The Dy. Comm^r,
Tumkur Dt

Dated 17th
Despatched } 22 October/92
Received

Enclosures No. one file of
v. proceedings

General No. 5280
Pet F No. 178-92

calling for a report
on the Petition of Thammayya
of Narangalu, Tumkur
Taluk.

References to be marked.

From the same No 403 dy 1/11/92

To
The Hy: Commr, Tanjore
Dt.

His letter No. 3398 23rd Sept. last submitting the rev: proceedings connected with the case of Thammayya of Narungalu, Tanjore Taluk.

Has the honor to return the Progs referred to for resubmission with the report called for in this office Memo No. 3478 10th inst.

By order

Draft

Asst. 18/10/92
for Chief Secy

W. N

24

(General Serial No. 30.)

OFFICE OF THE
3 NOV. 92

1892. 93. 4622

From The Deputy Commissioner
Tumkur District

To The Chief Secretary
to the Government of Mysore

Dated Tumkur 1st November 1892

Despatched 2nd ——do——

Received

Enclosures No. Pro in vol. Bundle

General No.

No. 403.

Secy's docket No. 5480
of 18th Ultimo. P.J. 178

Resubmitting the Proceedings connected with the case of T. Rammayya of Narrangula in the Tumkur Taluk and stating that Mr. Venkata Narsiangar has reversed the judgment of the Lowerfort and decided the case against the appellant

Posted 6 10 August 1893

Adjourned to 5th Oct 93.
Adjourned to 30-11-93

Petn Br Mem 3/11/92

C
Jivan Rao
T. Ramayya Narrangula
info 6.7 bottom
30 days M
5.11.92

4/11/92

25.

Deputy Commissioner's Office
Tumkúr District

No. 403. Tumkúr 1st November 1892.

To. (6)

The Chief Secretary to the
Government of Mysore

Sir

In resubmitting herewith the vernacular Proceedings connected with the case of Thammayya of Navangala in the Tumkúr Taluk received with your Docket No. 5480 of the 18th P.F. 178 Ultimo, I have the honor to state that Mr. Venkatavaradiengar has reversed the judgment of the Lower Court and decided the case against the appellant. As both the records are before you, you may come to the right conclusion which of the two judgments is correct.

I have the honor to be
Sir
Your most obedient servant

Asst. Commissioner

PRS.

26 LR 184-92-6

7

Before the Government of *His Highness* the Maharaja of Mysore.

Appeal No. 30 of 1892-93

Appellant. Vs. Respondent.s

Jammia of Narasimangala* Immkur Taluk represented by Mr D. Venkatāramaiah advocate

1. Lakshminarayanappa
2. Honnappa
3. Narasimha

represented by Mr. K. T. Narasimha Iyengar, advocate.

*Narasimangala

Decision. 2d December 1893

Appellant and Respondents are grandsons of 3 brothers. The appellant, the grandson of one brother, the 1st Respondent, grandson of another, and the 2d and 3d Respondents grandsons of the 3d, each entitled to 1/3d share of the Office of Potaili of Narasimangala and Amanikere. The father of the appellant was the Potail from 1848 to 1864, when he was removed on account of his old age, and the uncle of the

1st Respondent appointed to the post, whom 1st Respondent succeeded in 1876-77. In 1885, the Deputy Commissioner appointed appellant as Pattāil of Naranangala, leaving 1st Respondent in charge of Annanikere. The parties have also Thanbagi right in three and another villages, and the remuneration enjoyed by each family for both is as shewn below:-

Appellant	18-8-0
1st Respondent	41-4-0
2nd & 3rd Respondents	87-4-0
Total	147-0-0

Appellant and his brothers brought a suit in 1891 for a larger share than they enjoyed, and the Assistant Commissioner who heard the case decided that the office of Annanikere

Decision in Appeal No. 30 of 1892 — continued

can conveniently be registered jointly in the names of appellant and 1st Respondent and each allowed to do duties by turns, or to share the emoluments.

The Deputy Commissioner, on appeal by the 1st Respondent, cancelled that portion of the decree which directed the holding of the Office by the turns or the division of the emoluments, but confirmed the appellant's claim to 1/3rd share.

2. Both the lower Courts held that the suit was not barred by the Law of Limitation, as the appellant and his brother were in enjoyment of a portion of the total emoluments, and they have always been claiming more.

3. The appeal is against

this decision. The appellant now claims the Office of Commissioner, so that he may be compensated for the loss he hitherto suffered by having a village of a smaller remuneration.

Government do not think that it would be proper to disturb the possession of the Respondent, but appellant's request will be considered on the occurrence of a vacancy. The appeal is dismissed.

"By order"

Secretary

Redraft

No. 9992 Chief Secretary
Pol. No. 178-92 dt 19/26/12/93

Copy to the Deputy Commissioner, Tumkur Distt with the Revr: proceedings received with his No. 403 dated 1st November 1892.

"By order"

Chief Secretary

S.V.

191 2 93

No. 536

LR 184-92-7

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,
19th Decr 1893

(8)

Endorsement granted to Jammies of Narmangala Junkur Taluk

in reply to his- Petition Registered No. 536 dated 13-8-92 appealing against the Deputy Commrs order regarding the Patali of Amanikere

Petitioner is informed that his appeal has been dismissed Petitioner's request that he may be appointed Potail of Amanikere will be considered on the occurrence of a vacancy

2. The enc are returned

"By Order"

Chief Secretary.

Mysore Govt, Central Press, Bangalore,—9-2-93—2000.